

Serial No. 49280

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. AUG 16 1985

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed AUG 16 1985

The applicant Walter J. and Brenda S. Gardner

Ruby Valley

of Wells

Street and No. or P.O. Box No.

City or Town

Nevada 89835

State and Zip Code No.

hereby make S. application for permission to change the

Point of Diversion \_\_\_\_\_

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 47486

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.) \_\_\_\_\_

1. The source of water is Underground  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 5.4 cfs  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Irrigation  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Irrigation  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, T 31 N, R 59 E,  
Describe as being within a 40-acre subdivision of public survey and by course and  
MDB & M., at a point from which the SW corner of said Section 14 bears S 68° 33'  
distance to a section corner. If on unsurveyed land, it should be stated.  
54" W 3293.49 feet.
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, T 31 N, R 59 E,  
If point of diversion is not changed, do not answer.  
MDB & M., at a point from which the SE corner of said Section 14 bears S 72° 56'  
44" E 4131.88 feet.
7. Proposed place of use S $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 14; W $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  of  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
Section 13, T 31 N, R 59 E, MDB & M.
8. Existing place of use Same as above  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Well, Ditches, Pipelines and Sprinkler  
State manner in which water is to be diverted, i.e. diversion structure, ditches,  
System.  
pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$50,000
13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use.....5 years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is for a desert land entry and is to be co-mingled with the waters of Permit 47487. A dry hole was drilled at the Point of Diversion of Permit 47486. The proposed Point of Diversion is for additional waters at the Point of Diversion of Permit 31147.

By s/ Alan S. Boyack  
Alan S. Boyack, Agent  
515 South Fifth Street  
Elko, NV 89801

Compared tw/se js/bc

Protested.....

### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 47486 is issued subject to the terms and conditions imposed in said Permit 47486 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a measuring device must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 47487 and 49280 shall not exceed 1,520 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The combined diversion rate of this permit and Permit 47487 is limited to 6.5 cubic feet per second. The total land to be irrigated under this permit and Permit 47487 shall not exceed 380 acres.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....5.4.....cubic feet per second, but not to exceed 1280 acre-feet annually, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before.....September 13, 1986

Proof of completion of work shall be filed before.....October 13, 1986

Application of water to beneficial use shall be made on or before.....September 13, 1987

Proof of the application of water to beneficial use shall be filed on or before.....October 13, 1987

Map in support of proof of beneficial use shall be filed on or before.....October 13, 1987

Completion of work filed.....IN TESTIMONY WHEREOF, I.....PETER G. MORROS

Proof of beneficial use filed.....State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 28th day of January

Cultural map filed.....

Certificate No.....Issued.....

A.D. 19 86

*[Signature]*  
State Engineer